



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

May 19, 2008

MEMO ENDORSED

BY HAND

Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
United States Courthouse
New York, NY 10007

Re: United States v. Elia and Elyaho,
07 Cr. 543 (KMK)

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Dear Judge Karas:

Jury selection in the above trial is scheduled to begin on June 11, 2008 and trial testimony is scheduled to begin on June 12, 2008. I am writing to request that trial testimony be briefly adjourned to start either the afternoon of June 12 or the morning of June 13, 2008.

I recently received notification from the Second Circuit that the oral argument of a case to which I am assigned will be heard on June 12, 2008. I have written to the Second Circuit to ask that the matter be placed first on the June 12 calendar. (*United States v. Paul Cote*, 07 Cr. 1852 (L)). Although United States Attorney Michael Garcia will be arguing the appeal, I was the primary author of the Government's appellate briefs and I was the trial attorney in the district court and as a result, I am the person who is most familiar with the trial

record. Accordingly, the Government respectfully requests that the trial be briefly adjourned to permit me to attend the oral argument before the Second Circuit. Counsel for both of the defendants have consented to this application.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

by: *Cynthia K. Dunne*
Cynthia K. Dunne
Assistant United States Attorney
(914) 993-1913

cc: Jared Scharf, Esq. (By Fax)
Joseph A.. Vita, Esq. (By Fax)

The Court will take testimony beginning
on the afternoon of June 12, 2008, assuming
we finish opening statements on June 11, 2008.

SO ORDERED
KENNETH M. KARAS U.S.D.J.
5/20/08